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| Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714 | | | BOUTAH, ALINA A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2143 | |

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,110

Applicant(s)

JACOBS ET AL.

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/27/04</u> <u>9/27/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed September 27, 2004. Claim 10 has been cancelled. Claims 1-9, 11-78 are pending in the application.

Oath/Declaration

Applicant has provided a declaration signed by all inventors. Therefore, the objection is now withdrawn.

Specification

Applicant has submitted an amendment to the specification to include related co-pending patent applications. The amendment has been acknowledged.

Double Patenting

Applicant has cancelled claim 10 because it was identical to claim 6. The objection to the claim is now withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,809,242 issued to Shaw et al. (hereby Shaw) in view of USPN 5,796,952 issued to Davis et al. (hereby Davis).

(Amended) Regarding claim 1, Shaw teaches a system for distributing advertisements to a multiplicity of client devices each of which is configured for communications via a communications network, the system comprising:

an advertisement distribution facility that communicates with a client device over the communications network, via a respective advertisement download communication link (figures 1 and 6; col. 3, lines 42-50);

wherein each of the client devices downloads advertisements from the advertisement distribution facility the respective advertisement download communication link (figures 1 and 6, col. 7, lines 36-51); and

wherein each of the client devices communicates with a data communications service provider that is separate and independent from the advertisement distribution facility over the communications network via a respective data communications link that is separate from the respective advertisement download communication link (figure 6, col. 1, lines 51-67).

However, Shaw does not explicitly teach the advertisements being communicated with multiplicity of client devices. Davis teaches distributing advertisements to a multiplicity of client devices (figure 1, col. 3, lines 14-32). At the time the invention was made, one of ordinary skill in the art would have been motivated to distribute advertisements to a multiplicity of client

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devices in order to increase the chance of the ad being exposed to users, therefore maximizing the chances that the user will purchase advertiser's products.

Regarding claim 2, Shaw teaches the system as set forth in Claim 1, wherein the communications network comprises the internet (col. 1, lines 51-67).

Regarding claim 3, Shaw teaches the system as set forth in Claim 1, wherein each of the client devices is equipped with software that effects communications with both the advertisement distribution facility and the data communications service provider (col. 10, lines 42-64).

Regarding claim 4, Shaw teaches the system as set forth in Claim 3, wherein the software is subsidized by revenues attributable to the downloaded advertisements (col. 7, lines 3-15).

Regarding claim 5, Shaw teaches the system as set forth in Claim 1, wherein the data communications service provider comprises an e-mail service provider (abstract).

Regarding claim 6, Shaw teaches the system as set forth in Claim 1, wherein the data communications service provider comprises an internet service provider (col. 1, lines 51-67).

Regarding claim 7, Shaw teaches the system as set forth in Claim 3, wherein the software is e-mail software (abstract).

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Regarding claim 8, this is similar to claim 4, therefore is rejected under the same rationale.

Regarding claim 9, Shaw teaches the system as set forth in Claim 3, wherein the data communications service provider comprises an e-mail service provider (abstract).

Regarding claim 11, Shaw teaches the system as set forth in Claim 7, wherein the data communications service provider comprises an e-mail service provider (abstract).

Regarding claim 12, Shaw teaches the system as set forth in Claim 3, wherein the advertisement distribution facility is operated by a producer of the software (col. 7, lines 3-15).

Regarding claim 13, Shaw teaches the system as set forth in Claim 3, wherein the advertisement distribution facility is operated by a vendor of the software (col. 7, lines 3-15).

Regarding claim 14, Shaw teaches the system as set forth in Claim 12, wherein the software is e-mail software (abstract).

Regarding claim 15, Shaw teaches the system as set forth in Claim 13, wherein the software is e-mail software (abstract).

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Regarding claim 16, Shaw teaches the system as set forth in Claim 1, wherein: the advertisement distribution facility transmits ad display parameters to each of the client devices, and each of the client devices displays at least selected ones of the downloaded advertisements in accordance with the ad display parameters (abstract).

Regarding claim 17, Shaw teaches the system as set forth in Claim 16, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, how many times that advertisement is to be displayed for a given time period, and how long that advertisement is to be displayed each time that it is displayed (col. 6, lines 41-59).

Regarding claim 18, Shaw teaches the system as set forth in Claim 16, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, how many times that advertisement is to be displayed for a given time period (col. 6, lines 41-59).

Regarding claim 19, Shaw teaches the system as set forth in Claim 16, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, how long that advertisement is to be displayed each time that it is displayed (col. 6, lines 41-59).

Regarding claim 20, although Shaw does not explicitly teach the system as set forth in Claim 16, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed, he teaches the client determining which advertisements to display and at what time (col. 7, lines 51-54), therefore these features are inherent in the system.

Regarding claim 21, although Shaw does not explicitly teach the system as set forth in Claim 17, wherein the ad display parameters specify, for each of the at least prescribed ones of the at least selected ones of the downloaded advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed, he teaches the client determining which advertisements to display and at what time (col. 7, lines 51-54), therefore these features are inherent in the system..

Regarding claim 22, Shaw teaches the system as set forth in Claim 16, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, the total/cumulative amount of time that advertisement is to be displayed (col. 6, lines 21-25).

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Regarding claim 23, Shaw teaches the system as set forth in Claim 17, wherein the ad display parameters specify, for each of the at least prescribed ones of the at least selected ones of the downloaded advertisements, the total/cumulative amount of time that advertisement is to be displayed (col. 6, lines 21-25).

Regarding claim 24, Shaw teaches the system as set forth in Claim 21, wherein the ad display parameters specify, for each of the at least prescribed ones of the at least selected ones of the downloaded advertisements, the total/cumulative amount of time that advertisement is to be displayed (col. 6, lines 21-25).

Regarding claim 25, Shaw teaches the system as set forth in Claim 16, wherein the ad display parameters include any one or more of the following parameters for each advertisement to be displayed: a maximum face time that the associated advertisement is to be displayed each time that it is displayed; and a maximum cumulative face time that the associated advertisement is to be displayed, wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs (col. 7, lines 3-16).

Regarding claim 26, Shaw teaches the system as set forth in Claim 25, wherein the user activity comprises any user action that is indicative of user interaction with the client device on which the advertisements are to be displayed (col. 7, lines 3-16).

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Regarding claim 27, Shaw teaches the system as set forth in Claim 26, wherein the user activity comprises any user action that is indicative of the user viewing a display screen associated with the client device on which the advertisements are to be displayed (col. 7, lines 3-16).

Regarding claim 28, Shaw teaches the system as set forth in Claim 26, wherein the user activity comprises any of the following user actions: movement of a pointer device associated with the client device on which the advertisements are to be displayed, and use of an input device associated with the client device on which the advertisements are to be displayed (col. 14, 43-58).

Regarding claim 29, Shaw teaches the system as set forth in 26, wherein the user activity comprises any of the following user actions: movement of a mouse associated with the client device on which the advertisements are to be displayed; clicking of a mouse button associated with the mouse; and movement of one or more keys of a keyboard associated with the client device on which the advertisements are to be displayed (col. 14, 43-58).

Regarding claim 30, Shaw teaches the system as set forth in Claim 1, wherein the advertisement distribution facility includes: at least one ad server, each of which stores at least one of the advertisements to be downloaded, at least one playlist server that generates at least one playlist, and each playlist identifies a plurality of advertisements to be downloaded by at least one of the client devices (col. 5, line 17, col. 7, lines 17-22; col. 22, lines 42-57).

Regarding claim 31, Shaw teaches the system as set forth in Claim 30, wherein each playlist contains a list of the advertisements to be downloaded by at least one of the client devices, and a source address identifying a site from which each listed advertisement can be fetched (col. 7, lines 24-31).

Regarding claim 32, Shaw teaches the system as set forth in Claim 30, wherein each playlist contains a list of the advertisements to be downloaded by at least one of the client devices, and the address of the ad server where each listed advertisement is stored (col. 7, lines 24-31).

Regarding claim 33, Shaw teaches the system as set forth in Claim 30, wherein the advertisement distribution facility is controlled by a vendor of the software (col. 7, lines 3-15).

Regarding claim 34, Shaw teaches the system as set forth in Claim 30, wherein the at least one ad server comprises a plurality of ad servers that each store at least one of the advertisements to be downloaded by at least one of the client devices (figure 1).

Regarding claim 35, the system as set forth in Claim 30, wherein: the at least one playlist server is controlled by a vendor of the software (col. 7, lines 3-15); and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to

clients of the vendor of the software (figures 1 and 6); and at least one of the plurality of ad servers is controlled by the vendor of the software (col. 7, lines 3-15).

Regarding claim 36, Shaw teaches the system as set forth in Claim 30, wherein: the at least one playlist server is controlled by a vendor of the software (col. 7, lines 3-15); and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (figures 1 and 6); and at least one of the plurality of ad servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad servers (col. 7, lines 3-15).

Regarding claim 37, Shaw teaches the system as set forth in Claim 1, wherein the advertisement distribution facility includes: at least one ad server which stores the advertisements to be downloaded by the client devices, each advertisement being stored in a storage location designated by a source address, at least one playlist server that generates at least one playlist, and transmits one or more of the generated playlists to each client device (figures 1 and 6); and each playlist identifies a plurality of advertisements to be downloaded by at least one of the client devices (col. 7, lines 3-15).

Regarding claim 38, Shaw teaches the system as set forth in Claim 37, wherein the at least one ad server comprises a plurality of ad servers that each store at least one of the advertisements to be downloaded by at least one of the client devices (figures 1 and 6).

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Regarding claim 39, Shaw teaches the system as set forth in Claim 37, wherein: the at least one playlist server is controlled by a vendor of the software (col. 7, lines 3-15); and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software, and at least one of the plurality of ad servers is controlled by the vendor of the software (figures 1 and 6).

Regarding claim 40, Shaw teaches the system as set forth in Claim 37, wherein: the at least one playlist server is controlled by a vendor of the software, and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the software (figures 1 and 6); and at least One of the plurality of ad servers is controlled by an entity other than the vendor of the software that has granted the vendor of the software and its clients access to its ad servers (figures 1 and 6).

Regarding claim 41, Shaw teaches the system as set forth in Claim 37, wherein each playlist contains a list of ad identifiers that identify respective ones of the advertisements to be downloaded, and a list of corresponding source addresses that identify the corresponding storage location from which each respective advertisement can be fetched (col. 7, lines 46-51).

Regarding claim 42, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server includes a playlist processing function that receives an identification of a current playlists from each of the client devices, and in response thereto, transmits to each

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respective one of the client devices an indication that its current playlists is valid and does not need to be augmented, or a new playlists (col. 7, lines 23-51).

Regarding claim 43, Shaw teaches the system as set forth in Claim 41, wherein the at least one playlist server includes a playlist processing function that receives an identification of a current playlists from each of the client devices, and in response thereto, transmits to each respective one of the client devices an indication that its current playlists is valid and does not need to be augmented, or a new playlists (col. 7, lines 23-51).

Regarding claim 44, Shaw teaches the system as set forth in Claim 43, wherein each of the client devices compares the ad identifiers listed in its current playlists with the ad identifiers listed in its new playlists, generates a list of source addresses for the advertisements corresponding to the ad identifiers in its new playlists that are different from the ad identifiers contained in its current playlists, and then fetches the advertisements corresponding to the generated list of source addresses from the appropriate storage locations, over one or more advertisement download sessions (col. 22, lines 42-57).

Regarding claim 45, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server includes a playlist processing function that, at prescribed playlist check intervals, receives an identification of a current playlists from each of the client devices, and in response thereto, transmits to each respective one of the client devices an indication that its

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current playlists is valid and does not need to be augmented, or a new playlist (col. 7, lines 23-51).

Regarding claim 46, Shaw teaches the system as set forth in Claim 41, wherein the at least one playlist server includes a playlist processing function that, at prescribed playlist check intervals, receives an identification of a current playlists from each of the client devices, and in response thereto, transmits to each respective one of the client devices an indication that its current playlists is valid and does not need to be augmented, or a new playlist (col. 7, lines 23-51).

Regarding claim 47, Shaw teaches the system as set forth in Claim 46, wherein each of the client devices compares the ad identifiers listed in its current playlists with the ad identifiers listed in its new playlists, generates a list of source addresses for the advertisements corresponding to the ad identifiers in its new playlists that are different from the ad identifiers contained in its current playlists, and then fetches the advertisements corresponding to the generated list of source addresses from the appropriate storage locations, over one or more advertisement download sessions (col. 7, lines 23-51).

Regarding claim 48, Shaw teaches the system as set forth in Claim 44, wherein each advertisement download session is limited to a prescribed maximum time duration (col. 7, line 3-5).

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Regarding claim 49, Shaw teaches the system as set forth in Claim 47, wherein each advertisement download session is limited to a prescribed maximum time duration (col. 7, lines 3-5).

Regarding claim 50, Shaw teaches the system as set forth in Claim 1, wherein the advertisements comprise advertisement files each of which includes an image (figure 8).

Regarding claim 51, Shaw teaches the system as set forth in Claim 50, wherein each image comprises one of a GIF image, a PNG image, and a JPEG image (figure 8).

Regarding claim 52, Shaw teaches the system as set forth in Claim 37, wherein: each playlist contains ad display parameters, and each of the client devices displays at least selected ones of the downloaded advertisements in accordance with the ad display parameters (col. 22, lines 42-54).

Regarding claim 53, Shaw teaches the system as set forth in Claim 52, wherein the ad display parameters specify, at least prescribed ones of the at least selected ones of the downloaded for each of advertisements, how many times that advertisement is to be displayed for a given time period, and how long that advertisement is to be displayed each time that it is displayed (col. 7, lines 3-15).

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Regarding claim 54, Shaw teaches the system as set forth in Claim 52, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, how long that advertisement is to be displayed each time that it is displayed (col. 7, lines 3-15).

Regarding claim 55, Shaw teaches the system as set forth in Claim 52, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed (col. 7, lines 3-15).

Regarding claim 56, Shaw teaches the system as set forth in Claim 53, wherein the ad display parameters specify, for each of the at least prescribed ones of the at least selected ones of the downloaded advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed (col. 7, lines 3-15).

Regarding claim 57, Shaw teaches the system as set forth in Claim 52, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, how many times that advertisement is to be displayed for a given time period (col. 7, lines 3-15).

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Regarding claim 58, Shaw teaches the system as set forth in Claim 52, wherein the ad display parameters specify, for each of at least prescribed ones of the at least selected ones of the downloaded advertisements, the total/cumulative amount of time that advertisement is to be displayed (col. 7, lines 3-15).

Regarding claim 59, Shaw teaches the system as set forth in Claim 53, wherein the ad display parameters specify, for each of the at least prescribed ones of the at least selected ones of the downloaded advertisements, the total/cumulative amount of time that advertisement is to be displayed (col. 7, lines 3-15).

Regarding claim 60, Shaw teaches the system as set forth in Claim 57, wherein the ad display parameters specify, for each of the at least prescribed ones of the at least selected ones of the downloaded advertisements, the total/cumulative amount of time that advertisement is to be displayed (col. 7, lines 3-15).

Regarding claim 61, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server receives from each of the client devices a respective cookie containing information relating to user/client device behavior and/or user demographics specific to that particular client device (col. 5, lines 5-13).

Regarding claim 62, Shaw teaches the system as set forth in Claim 61, wherein the at least one playlist server selects the one or more playlists to be transmitted to each client device

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based at least partially on the respective cookie received from that client device (col. 5, lines 13-18).

Regarding claim 63, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server selects the one or more playlists to be transmitted to each client device based at least partially on monitored behavior of that client device (col. 19, lines 4-22).

Regarding claim 64, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server selects the one or more playlists to be transmitted to each client device based at least partially on user demographics (col. 5, lines 5-13).

Regarding claim 65, Shaw teaches the system as set forth in Claim 37, wherein the one or more playlists transmitted to each client device is customized to that client device (abstract; col. 5, lines 18-24).

Regarding claim 66, Shaw teaches the system as set forth in Claim 37, wherein the one or more playlists transmitted to each client device is tailored to that client device (abstract; col. 5, lines 18-24).

Regarding claim 67, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server selects the one or more playlists to be transmitted to each client device

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based at least partially on client information uploaded to the advertisement distribution facility by each client device (col. 5, lines 5-13).

Regarding claim 68, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server selects the one or more playlists to be transmitted to each client device based at least partially on client information uploaded to the advertisement distribution facility by each client device at prescribed update intervals (col. 5, lines 5-13, lines 32-37).

Regarding claim 69, Shaw teaches the system as set forth in Claim 45, wherein the at least one playlist server selects the one or more playlists to be transmitted to each client device based at least partially on client information uploaded to the advertisement distribution facility by each client device at prescribed update intervals (col. 5, lines 5-13, lines 32-37).

Regarding claim 70, Shaw teaches the system as set forth in Claim 46, wherein the at least one playlist server selects the one or more playlists to be transmitted to each client device based at least partially on client information uploaded to the advertisement distribution facility by each client device at prescribed update intervals (col. 5, lines 5-13, lines 32-37).

Regarding claim 71, Shaw teaches the system as set forth in Claim 69, wherein the prescribed update intervals comprise the prescribed playlist check intervals (col. 5, lines 5-13, lines 32-37).

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Regarding claim 72, Shaw teaches the system as set forth in Claim 70, wherein the prescribed update intervals comprise the prescribed playlist check intervals (col. 5, lines 5-13, lines 32-37).

Regarding claim 73, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server transmits one or more of the generated playlists to each client device in response to a playlist request that it receives from that client device (abstract).

Regarding claim 74, Shaw teaches the system as set forth in Claim 45, wherein the at least one playlist server transmits one or more of the generated playlists to each client device in response to a playlist request that it receives from that client device (abstract).

Regarding claim 75, Shaw teaches the system as set forth in Claim 46, wherein the at least one playlist server transmits one or more of the generated playlists to each client device in response to a playlist request that it receives from that client device (abstract).

Regarding claim 76, Shaw teaches the system as set forth in Claim 74, wherein each client device generates a respective playlist request at the prescribed playlist check intervals (col. 5, lines 5-13, lines 32-37).

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Regarding claim 77, Shaw teaches the system as set forth in Claim 75, wherein each client device generates a respective playlist request at the prescribed playlist check intervals (col. 5, lines 5-13, lines 32-37).

Regarding claim 78, Shaw teaches the system as set forth in Claim 37, wherein the at least one playlist server transmits one or more of the generated playlists to each client device in response to a playlist request that it receives from that client device, at prescribed playlist check intervals (col. 5, lines 5-13, lines 32-37).

Response to Arguments

Applicant's arguments filed September 27, 2004 have been fully considered but they are not persuasive.

Applicant argues that Shaw fails to disclose or suggests that a client device downloads advertisements from an advertisement distribution facility via a respective advertisement download communication link that is separate from a respective data communication link with the client device communicates with a data communications service provider. The Patent Office disagrees and respectfully submits that this feature is clearly taught in figure 6 of Shaw. Figure 6 illustrates a client device that can download advertisements from an advertiser (108) via a respective advertisement communication link (the arrow depicting "advertisements") that is separate from a respective data communication link (the arrow depicting "e-mail messages") with the client device communicates with a data communications service provider (107).

In response to Applicant's argument that Shaw fails to teach a playlist server, the Patent Office respectfully submits that this is taught in col. 7, lines 15-22 of Shaw. Specifically, Shaw's "advertisement distribution scheduler" is interpreted as a playlist server.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the function of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique.

Applicant has not amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

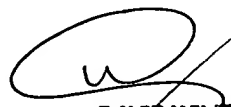
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANB


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100